

House File 65 - Introduced

HOUSE FILE 65

BY HUNTER

A BILL FOR

1 An Act relating to the issuance, denial, suspension, or
2 revocation of a permit to carry weapons and a permit to
3 acquire pistols or revolvers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.7, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. Any person who is not disqualified under [section 724.8](#),
4 who satisfies the training requirements of [section 724.9](#),
5 and who files an application in accordance with section
6 724.10 ~~shall~~ may be issued a nonprofessional permit to carry
7 weapons. Such permits shall be on a form prescribed and
8 published by the commissioner of public safety, which shall
9 be readily distinguishable from the professional permit, and
10 shall identify the holder of the permit. Such permits shall
11 not be issued for a particular weapon and shall not contain
12 information about a particular weapon including the make,
13 model, or serial number of the weapon or any ammunition used
14 in that weapon. All permits so issued shall be for a period of
15 five years and shall be valid throughout the state except where
16 the possession or carrying of a firearm is prohibited by state
17 or federal law.

18 Sec. 2. Section 724.11, subsection 1, Code 2021, is amended
19 to read as follows:

20 1. Applications for permits to carry weapons shall be made
21 to the sheriff of the county in which the applicant resides.
22 Applications for professional permits to carry weapons for
23 persons who are nonresidents of the state, or whose need to
24 go armed arises out of employment by the state, shall be made
25 to the commissioner of public safety. In either case, the
26 issuance of the permit shall be by and at the discretion of
27 the sheriff or commissioner, who shall, before issuing the
28 permit, ~~shall~~ determine that the requirements of sections 724.6
29 through 724.10 have been satisfied. A renewal applicant shall
30 apply within thirty days prior to the expiration of the permit,
31 or within thirty days after the expiration of the permit;
32 otherwise the applicant shall be considered an applicant for an
33 initial permit for purposes of renewal fees under [subsection 3](#).

34 Sec. 3. Section 724.13, subsection 1, Code 2021, is amended
35 to read as follows:

1 1. An issuing officer who finds that a person issued a
 2 permit to carry weapons under [this chapter](#) has been arrested
 3 for a disqualifying offense or is the subject of proceedings
 4 that could lead to the person's ineligibility for such permit,
 5 or an officer who determines that the conditions for the
 6 issuance of such permit no longer exist, may immediately
 7 suspend such permit. An issuing officer proceeding under
 8 this section shall immediately notify the permit holder of
 9 the suspension by personal service or certified mail on a
 10 form prescribed and published by the commissioner of public
 11 safety and the suspension shall become effective upon the
 12 permit holder's receipt of such notice. ~~If the suspension is~~
 13 ~~based on an arrest or a proceeding that does not result in a~~
 14 ~~disqualifying conviction or finding against the permit holder,~~
 15 ~~the issuing officer shall immediately reinstate the permit upon~~
 16 ~~receipt of proof of the matter's final disposition.~~ If the
 17 arrest leads to a disqualifying conviction or the proceedings
 18 to a disqualifying finding, the issuing officer shall revoke
 19 the permit. The issuing officer may also revoke the permit of
 20 a person whom the issuing officer later finds was not qualified
 21 for such a permit at the time of issuance ~~or who,~~ of a person
 22 whom the officer finds provided materially false information
 23 on the permit application, or if the officer determines that
 24 the conditions for the issuance of such permit no longer exist.
 25 A person aggrieved by a suspension or revocation under this
 26 section may seek review of the decision pursuant to section
 27 724.21A.

28 Sec. 4. Section 724.15, subsections 1 and 4, Code 2021, are
 29 amended to read as follows:

30 1. Any person who desires to acquire ownership of any pistol
 31 or revolver shall first obtain a permit. A permit ~~shall~~ may be
 32 issued upon request to any resident of this state unless the
 33 person is subject to any of the following:

34 a. Is less than twenty-one years of age.

35 b. Is subject to the provisions of [section 724.26](#).

1 c. Is prohibited by federal law from shipping, transporting,
2 possessing, or receiving a firearm.

3 4. An issuing officer who finds that a person issued a
4 permit to acquire pistols or revolvers under [this chapter](#)
5 has been arrested for a disqualifying offense or who is
6 the subject of proceedings that could lead to the person's
7 ineligibility for such permit may immediately suspend such
8 permit. An issuing officer proceeding under [this subsection](#)
9 shall immediately notify the permit holder of the suspension
10 by personal service or certified mail on a form prescribed
11 and published by the commissioner of public safety and the
12 suspension shall become effective upon the permit holder's
13 receipt of such notice. ~~If the suspension is based on an~~
14 ~~arrest or a proceeding that does not result in a disqualifying~~
15 ~~conviction or finding against the permit holder, the issuing~~
16 ~~officer shall immediately reinstate the permit upon receipt~~
17 ~~of proof of the matter's final disposition.~~ If the arrest
18 leads to a disqualifying conviction or the proceedings to
19 a disqualifying finding, the issuing officer shall revoke
20 the permit. The issuing officer may also revoke the permit
21 of a person whom the issuing officer later finds was not
22 qualified for such a permit at the time of issuance or ~~who~~
23 whom the officer finds provided materially false information
24 on the permit application. A person aggrieved by a suspension
25 or revocation under [this subsection](#) may seek review of the
26 decision pursuant to [section 724.21A](#).

27 Sec. 5. Section 724.18, Code 2021, is amended to read as
28 follows:

29 **724.18 Procedure for making application for permit to**
30 **acquire.**

31 A person may personally request the sheriff to mail an
32 application for a permit to acquire pistols or revolvers,
33 and the sheriff shall immediately forward to such person an
34 application for a permit to acquire pistols or revolvers. A
35 person shall upon completion of the application personally

1 deliver such application to the sheriff who ~~shall note the~~
 2 ~~period of validity on the application and shall immediately~~
 3 may issue the permit to acquire pistols or revolvers to the
 4 applicant and, if such permit is issued, shall note the period
 5 of validity on the application. For the purposes of this
 6 section the date of application shall be the date on which the
 7 sheriff received the completed application.

8 Sec. 6. Section 724.19, Code 2021, is amended to read as
 9 follows:

10 **724.19 Issuance of permit to acquire.**

11 The permit to acquire pistols or revolvers ~~shall~~ may be
 12 issued to the applicant ~~immediately~~ upon completion of the
 13 application unless the applicant is disqualified under the
 14 provisions of [section 724.15](#). The permit shall have a uniform
 15 appearance, size, and content prescribed and published by the
 16 commissioner of public safety. The permit shall contain the
 17 name of the permittee and the effective date of the permit,
 18 but shall not contain the permittee's social security number.
 19 Such a permit shall not be issued for a particular pistol or
 20 revolver and shall not contain information about a particular
 21 pistol or revolver including the make, model, or serial number
 22 of the pistol or revolver, or any ammunition used in that
 23 pistol or revolver.

24 Sec. 7. Section 724.21A, subsection 8, Code 2021, is amended
 25 by striking the subsection.

26 **EXPLANATION**

27 The inclusion of this explanation does not constitute agreement with
 28 the explanation's substance by the members of the general assembly.

29 This bill relates to the issuance, denial, suspension, or
 30 revocation of a permit to carry weapons and a permit to acquire
 31 pistols or revolvers.

32 Current law provides that the issuing officer (county
 33 sheriff or commissioner of public safety) shall issue a permit
 34 to carry weapons to an applicant unless the applicant does
 35 not meet certain requirements of Code chapter 724 (weapons).

1 The bill allows the issuing officer to deny the issuance of
2 a permit to carry weapons at the discretion of the issuing
3 officer even if the applicant meets the other requirements
4 of Code chapter 724. The bill allows the issuing officer to
5 suspend or revoke a permit to carry weapons if the issuing
6 officer determines the conditions for the issuance of the
7 permit to carry weapons no longer exist.

8 Current law also provides that an issuing officer shall
9 issue a permit to acquire pistols or revolvers immediately upon
10 completion of the application unless the applicant does not
11 meet certain requirements of Code section 724.15. The bill
12 allows the issuing officer to deny the issuance of a permit to
13 acquire pistols or revolvers at the discretion of the issuing
14 officer.

15 The bill strikes language that requires the issuing officer
16 to reinstate a permit to carry weapons or a permit to acquire
17 pistols or revolvers if the suspension of the permit is
18 based upon an arrest or proceeding that does not result in a
19 disqualifying conviction or finding against the permit holder.

20 Under current law, when a person appeals the decision by
21 the issuing officer to deny an application for a permit to
22 carry weapons or a permit to acquire pistols or revolvers or
23 appeals the decision to suspend or revoke a permit to carry
24 weapons or a permit to acquire pistols or revolvers, and it
25 is later determined on appeal that the person is eligible to
26 be issued or possess a permit to carry weapons or a permit to
27 acquire pistols or revolvers, the person shall be awarded court
28 costs and reasonable attorney fees, and if the person loses
29 or withdraws such an appeal, the government shall be awarded
30 court costs and reasonable attorney fees. The bill strikes
31 the provision relating to awarding court costs and reasonable
32 attorney fees to the prevailing party in an appeal for the
33 denial, suspension, or revocation of a permit to carry weapons
34 or a permit to acquire pistols or revolvers but does not modify
35 the provision allowing for such an appeal.

1 The bill makes conforming changes to Code sections 724.18
2 (application procedure for permit to acquire pistols or
3 revolvers) and 724.19 (issuance of permit to acquire pistols
4 or revolvers).